

July 14, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *(Signature)*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #515 - Smith Property
3925 Glenhurst Road
Zoning Advisory Committee Meeting of July 11, 1994

Development of the property must comply with the Chesapeake Bay Critical Area Regulations which require at a minimum, a 25% impervious surface limit, plantings and/or retention of native trees and shrubs, protection of non-tidal wetlands and establishment of a 25 foot buffer.

JLP:SA:sp

SMITH/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE * BEFORE THE
3925 Glenhurst Road, S/S Glenhurst *
Road, 363' +/- E of c/l Cove Road, * ZONING COMMISSIONER
15th Election Dist., 7th Councilmanic *
* OF BALTIMORE COUNTY
Leo L. Smith and Mary Lee Smith
Petitioners * CASE NO. 94-530-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Barbara Knezevich, Homecroft Homes, Inc., 6111 Davis Road, Woodbine, MD 21797, representative for Petitioner.

RECEIVED
JUL 21 1994
ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

CRITICAL
B 194252
Permit Number

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

POTENTIAL APPLICANT SUPPLIED INFORMATION:

☒ **Housing Unit:** Home G-111 Danic Rd Waterbury 2709 301-839-0356

☐ **Lot Address:** 3925 Greenhurst Pk Election District 12 Council District 7 Square Feet 6175

Lot Location: ☒ City / ☐ County of Guilford Co 203 Not Near A B or C of Edgewater Pk

Lead Owner: Leo S Mann Smith Tax Account Number 151517C0220

Address: 3924 Greenhurst Pk Telephone Number 410-477-2474
Dunblair Pk 21222

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO
1. This Recommendation Form (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Topo Map (available in the pre C.E.B.) (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(omit total site drawing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Bathing Clothes Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (submit total all photos except)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Adjacent Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

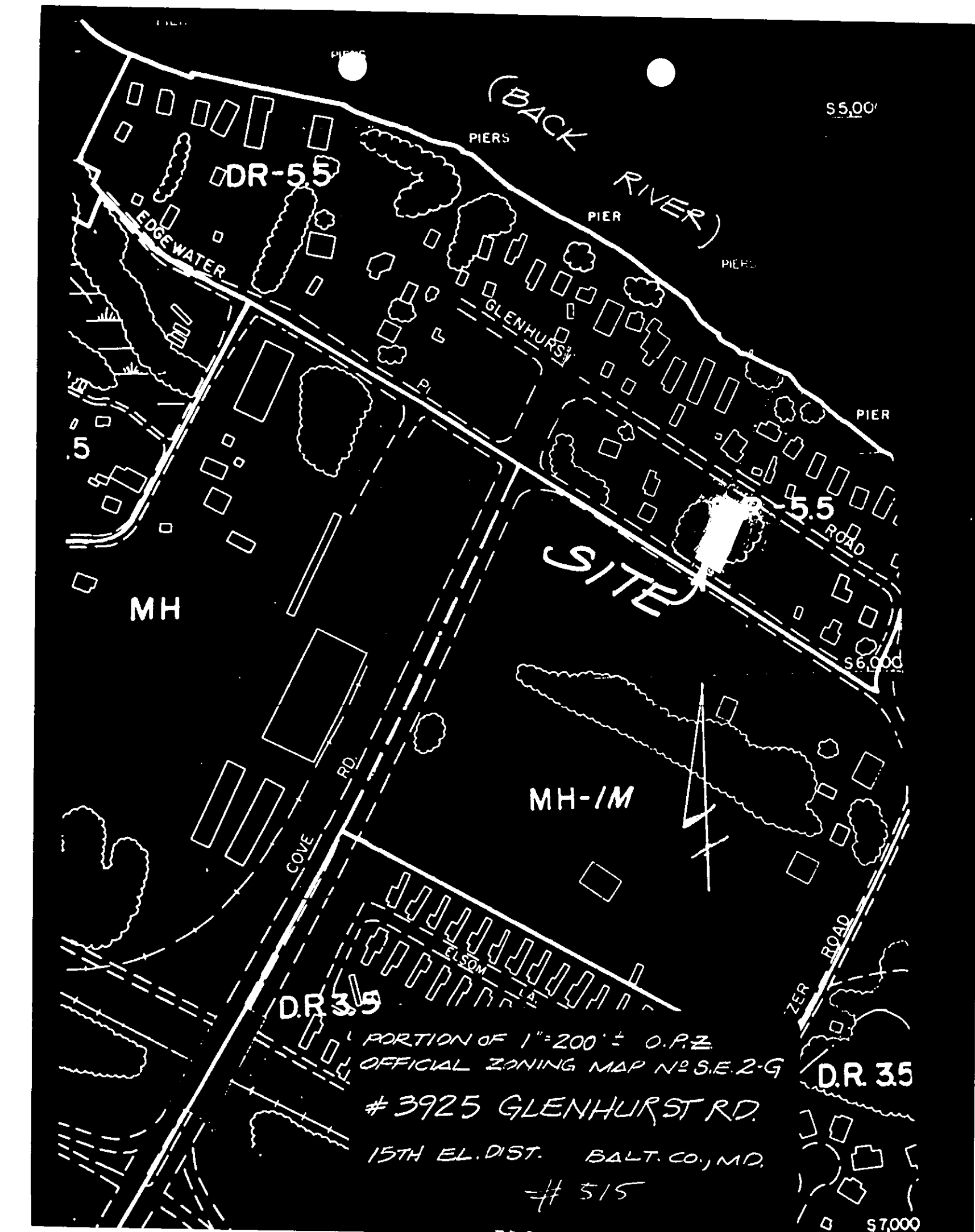
RECOMMENDED PROCESSING FEE Paid
 Codes 100 & 500 (paid)

Accepted by _____
 Date _____

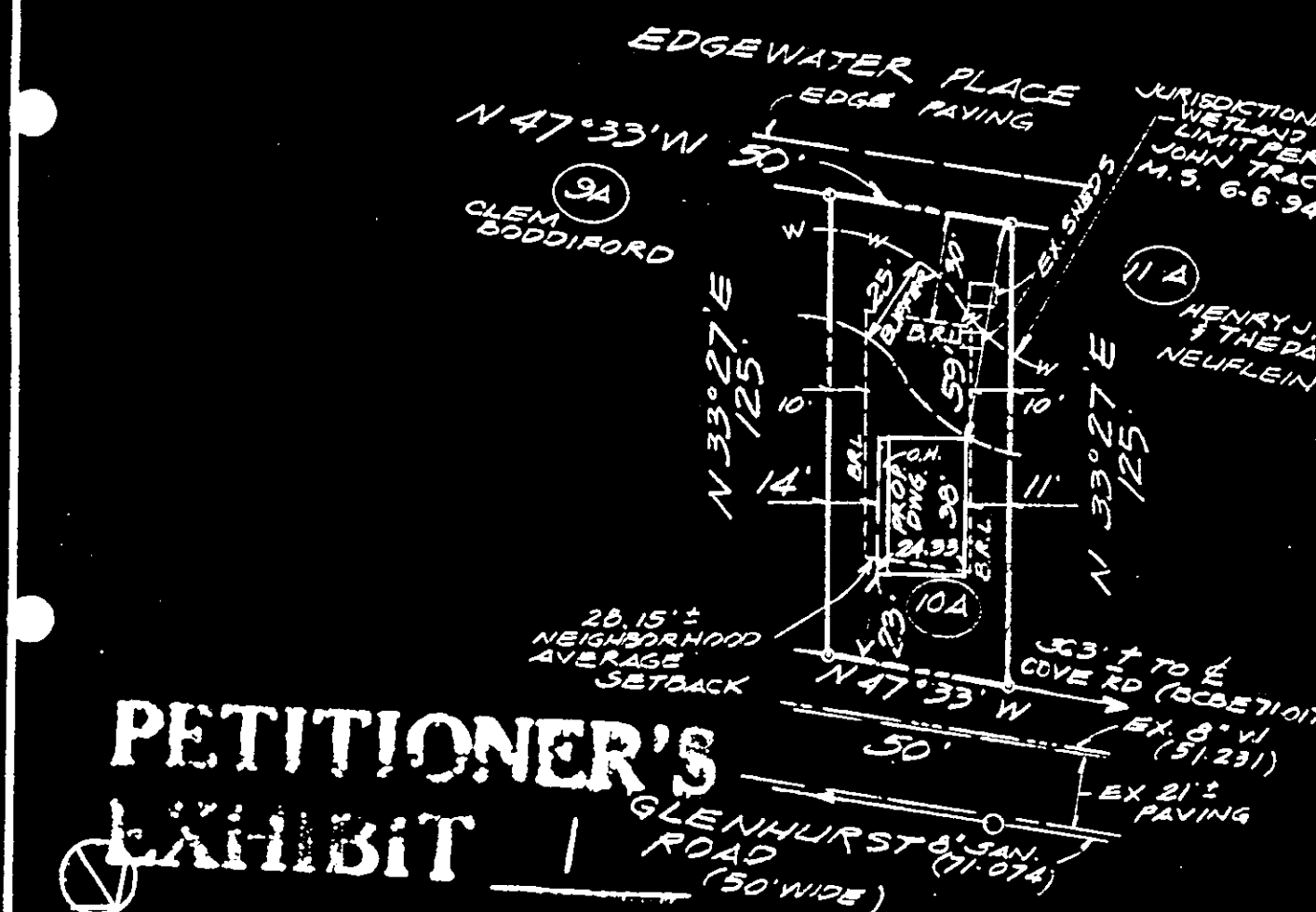
RECOMMENDATIONS/COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

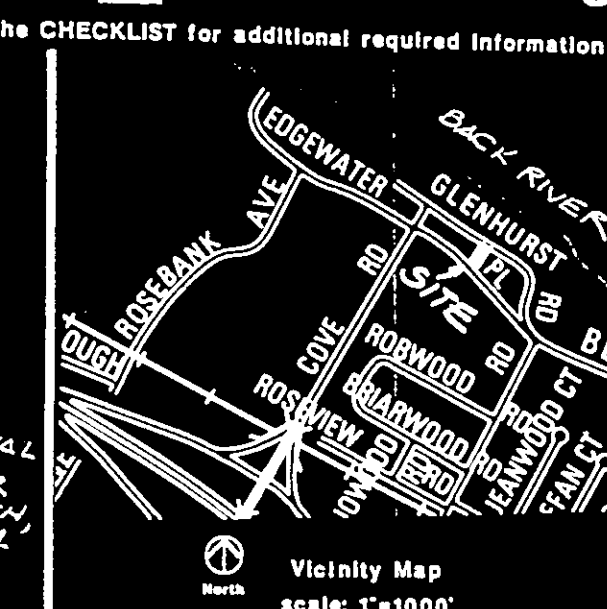
Signed by: Francis Morley Date: 5-12-94
for the Director, Office of Planning & Budgeting

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: *3925 GLENHURST ROAD
Subdivision name: GLENHURST
plat book: 12, folio 22, lot 10A, section N/A
OWNER: LEO & MARY SMITH (3924 GLENHURST RD.)



North
date: 6-10-94
prepared by: J.S. DALLAS INC. Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1"=200' scale map#: S.E. 2-G

Zoning: D.R. 55

Lot size: 0.142 ± 6173 ±
acres acres total

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☒ yes ☐ no
Prior Zoning Hearings:

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
MDK 515

SMITH/DEPRM/TXTSBE

IN RE: PETITION FOR VARIANCE
S/S Glenhurst Road, 363' E of
the c/l of Cove Road
(3925 Glenhurst Road)
15th Election District
7th Councilmanic District
Leo L. Smith, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-530-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3925 Glenhurst Road, located in the Dundalk area of southeastern Baltimore County. The Petition was filed by the owners of the property, Leo L. and Mary Lee Smith, and the Contract Purchaser, Bettie M. Collins. The Petitioners seek relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front street setback of 23 feet in lieu of the minimum required 28.15 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Barbara Knezevich with Homecroft Homes, Inc., builder. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.142 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Contract Purchaser is desirous of developing the property with a single family dwelling. Due to the small size of this lot and the location of wetlands to the rear of the property, the proposed dwelling must be located closer to the front property line than the average front setback on the street. There being no Protestants present at the hearing nor any adverse comments in the file from any Baltimore County reviewing

agency or neighboring property owner, it appears the relief requested should be granted.

It should also be noted that this property is located within the Chesapeake Bay Critical Areas near Back River and as such, is subject to compliance with Critical Areas legislation. As a condition of the granting of this variance, the Petitioner must comply with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated July 14, 1994, a copy of which is attached hereto.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures with-

in the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of August, 1994 that the Petition for

Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front street setback of 23 feet in lieu of the minimum required 28.15 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 14, 1994, attached hereto and made a part hereof.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/1/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/1/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/1/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/1/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 4, 1994

Ms. Barbara Knezevich
Homecroft Homes, Inc.
6111 Davis Road
Woodbine, Maryland 21797

RE: PETITION FOR VARIANCE
S/S Glenhurst Road, 363' E of the c/l of Cove Road
(3925 Glenhurst Road)
15th Election District - 7th Councilmanic District
Leo L. Smith, et ux - Petitioners
Case No. 94-530-A

Dear Mr. & Mrs. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Leo Smith
3924 Glenhurst Road, Baltimore, Md. 21222

Ms. Bettie M. Collins
4211 Seidel Avenue, Baltimore, Md. 21206
Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case file

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3925 Glenhurst Rd. 21222

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303.1 to permit a 23-foot street setback in lieu of 28.15'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
When the sewer line was installed in front of this property, the owners of adjoining lots filled in their lots with the excess dirt, making this lot lower. Because of this action, this lot now has wetlands to the rear and with the buffer zone the only way this property can be built on is by moving the house forward. If this is not buildable then this lot is of no value.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I (or we) agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser(s)
Bettie M. Collins
Bettie M. Collins
4211 Seidel Ave.
Balto., Md. 21206
Attorney for Petitioner
Type or Print Name

I (we) solemnly declare and affirm, under the penalties of perjury, that I (we) are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s)
Leo L. Smith
Type or Print Name
Mary Lee Smith
Type or Print Name
3924 Glenhurst Rd.
Balto., Md. 21222
City, Name, Address and phone number of representative to be contacted

Homecroft Homes, Inc.
Barbara Knezevich
6111 Davis Rd. Woodbine, Md.
Address
301-268-6386
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
Responsible for Hearing
The following date 8/4/94 Next Two Months
ALL OTHER
REVIEWED BY 2-5-94 DATE 8/2/94

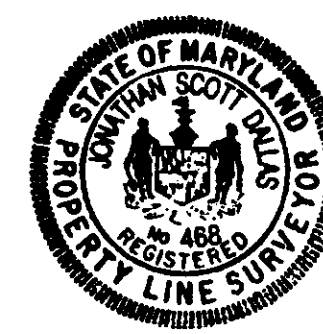
ORDER RECEIVED FOR FILING
Date 8/1/94
By [Signature]

J. S. DALLAS, INC.

SURVEYING & ENGINEERING
4932 HAZELWOOD AVENUE
BALTIMORE, MD 21206
(410) 866-2001
FAX (410) 866-2003

ZONING DESCRIPTION FOR 3925 GLENHURST ROAD ELECTION DISTRICT 15 7th COUNCILMANIC DISTRICT

BEGINNING at a point on the south side of Glenhurst Road which is 50 feet wide at a distance of 163 feet, more or less, east of the centerline of Cove Road as shown on B.C.B.E. 71-0174. Being Lot # 10A in the subdivision of Glenhurst as recorded in Baltimore County Plat Book # 12 folio # 22, containing 6173 square feet of land, more or less, or 0.142 acres of land, more or less.



#515

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-530-A
Towson, Maryland

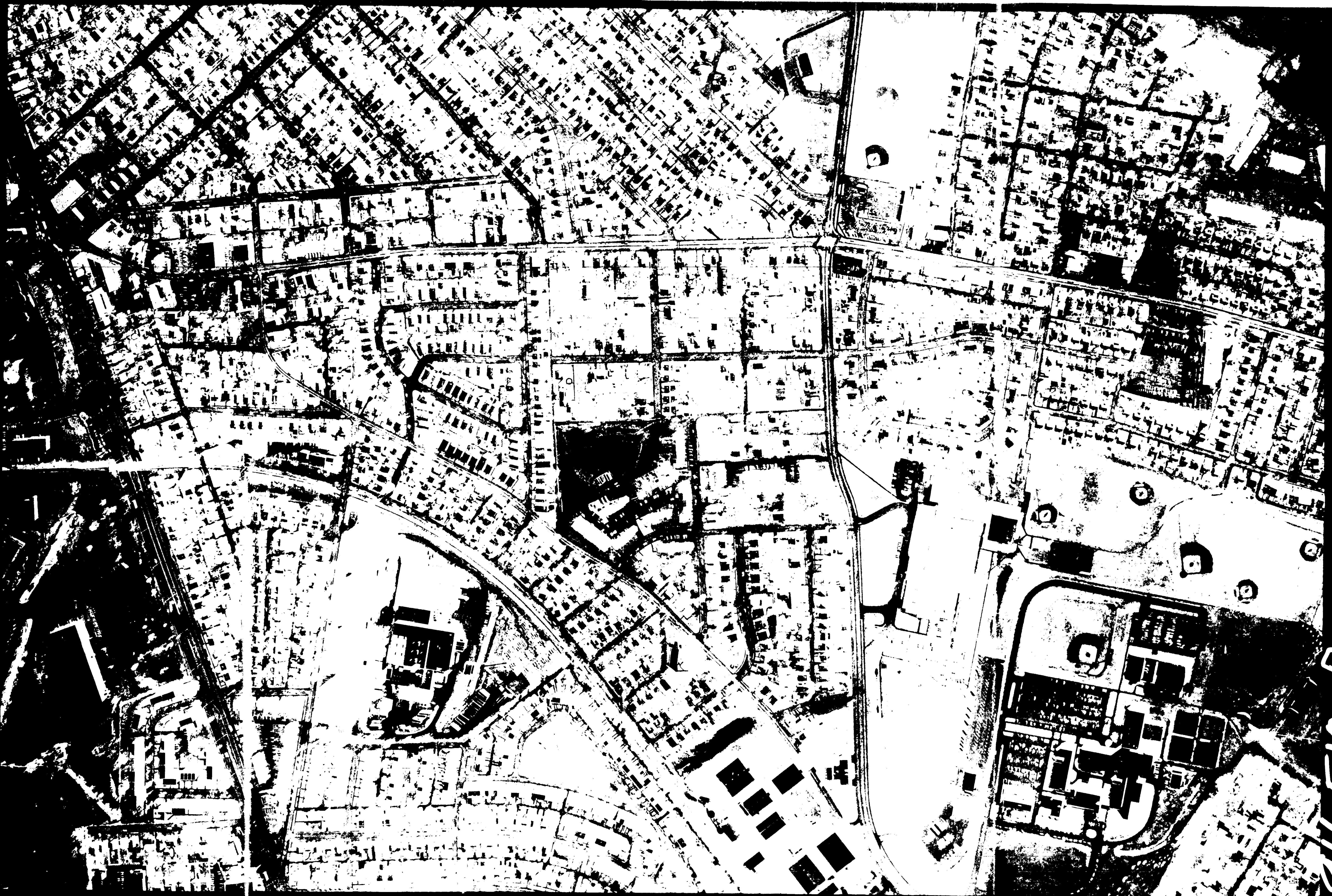
District 15th Date of Posting 7/16/94
Posted for Knezevich
Petitioner Leo L. & Mary Lee Smith
Location of property 3925 Glenhurst Rd. 21222
Location of Sign Property, road, upon property being posted
Remarks
Posted by [Signature] Date of return 7/22/94
Number of Signs 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,
A. Henderson
LEGAL AD. - TOWSON



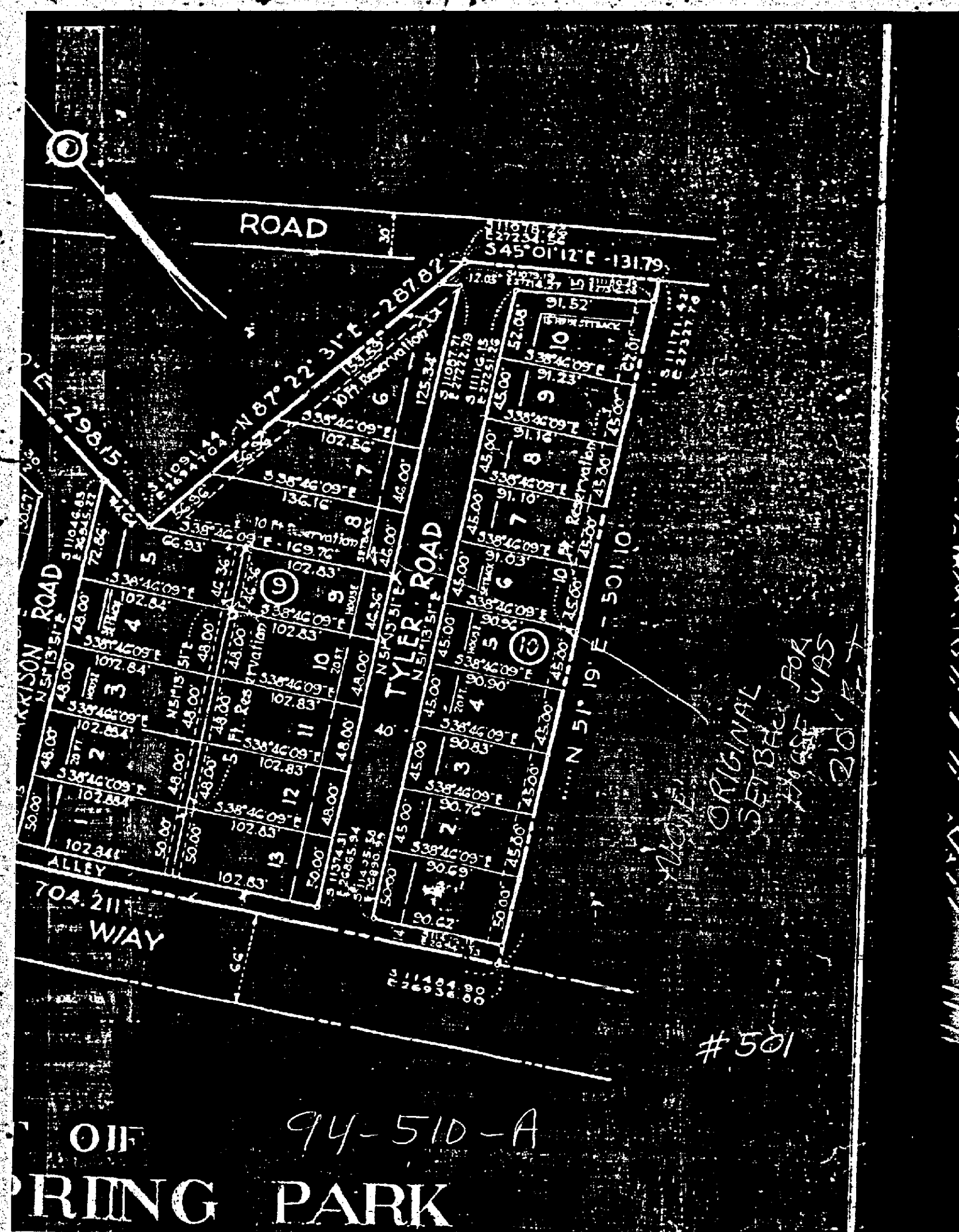
94-510-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

501

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	DUNDALK	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986		3-E



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 1906 TYLER ROAD
 SUBDIVISION NAME: WILLOW SPRING PARK
 PLAT BOOK # C.W.B. JR. NO. 12, FOLIO # 58, LOT # 9
 BLOCK # 9, SECTION #
 OWNER: GARY & BERNADETTE VICKERY

(NOTE: APPROXIMATE HEIGHT OF DWELLING IS 23' FEET)

LOT # 4 LOT # 5

1 1/2 STORY FRAME DWELLING 1908 MR. ROBERT JAMMELWAY

1 1/2 STORY FRAME DWELLING 1906

1 1/2 STORY FRAME DWELLING 1904 MRS. IDA ROBERTSON

TYLER ROAD (40 FT. WIDE)

253' TO CENTERLINE OF SOLTERS BLVD RD

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 7
 ELECTION DISTRICT: 12
 1" = 200' SCALE MAP # 3E
 ZONING: D.R. 5.5
 LOT SIZE: 102.83' x 46.36' ACRES: 1.0 SQUARE FEET: 478220

SEWER: F/BLC PRIVATE
 WATER: X

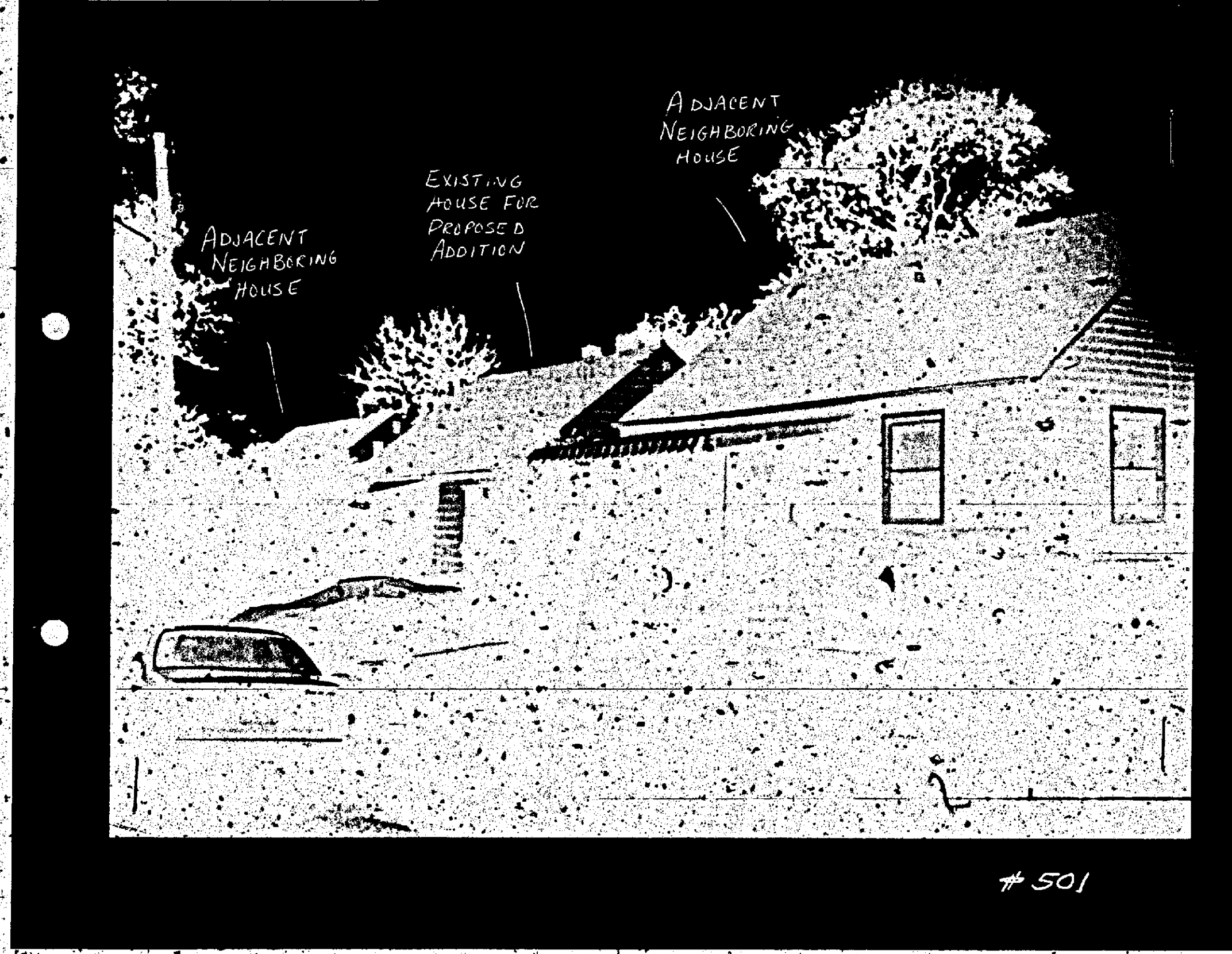
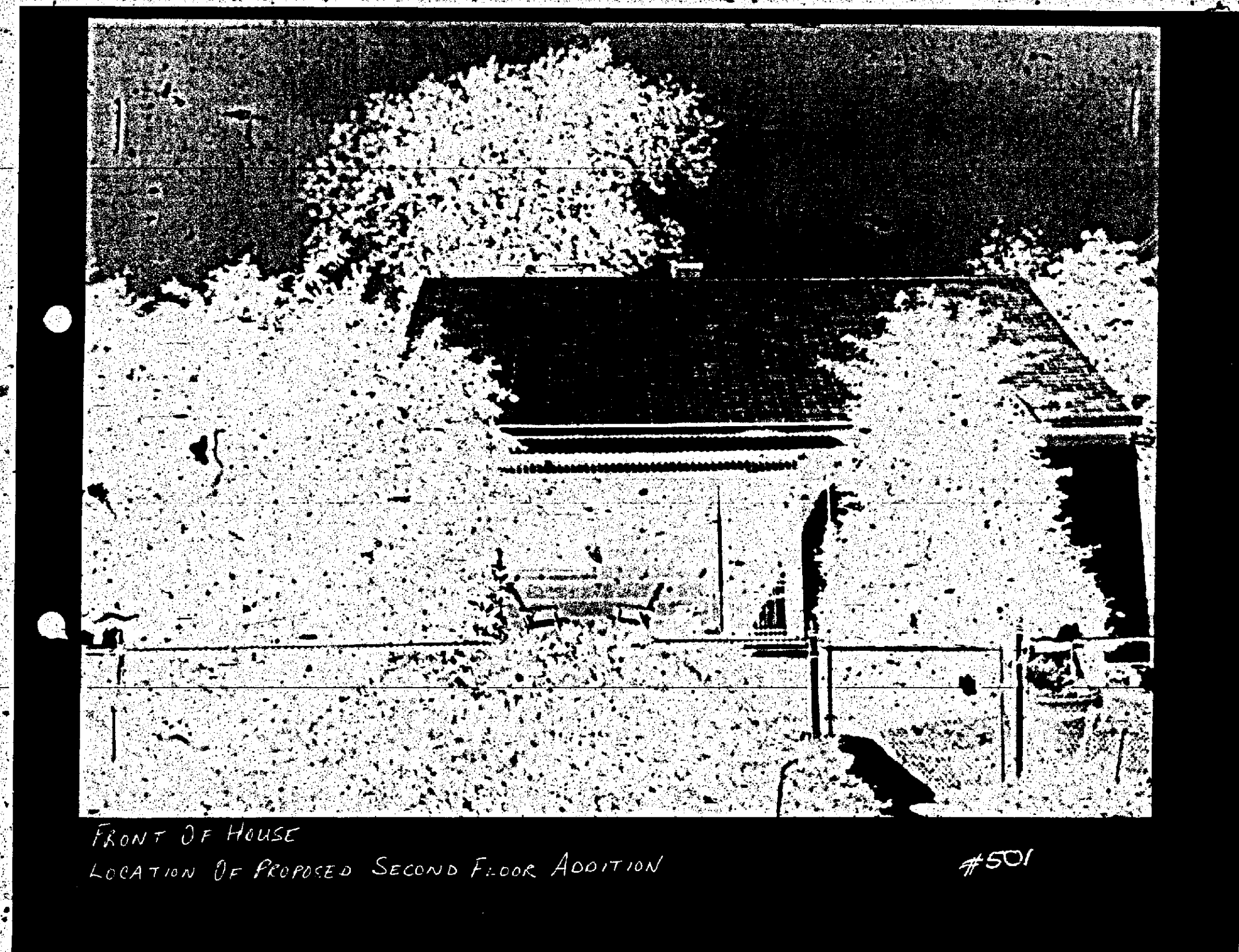
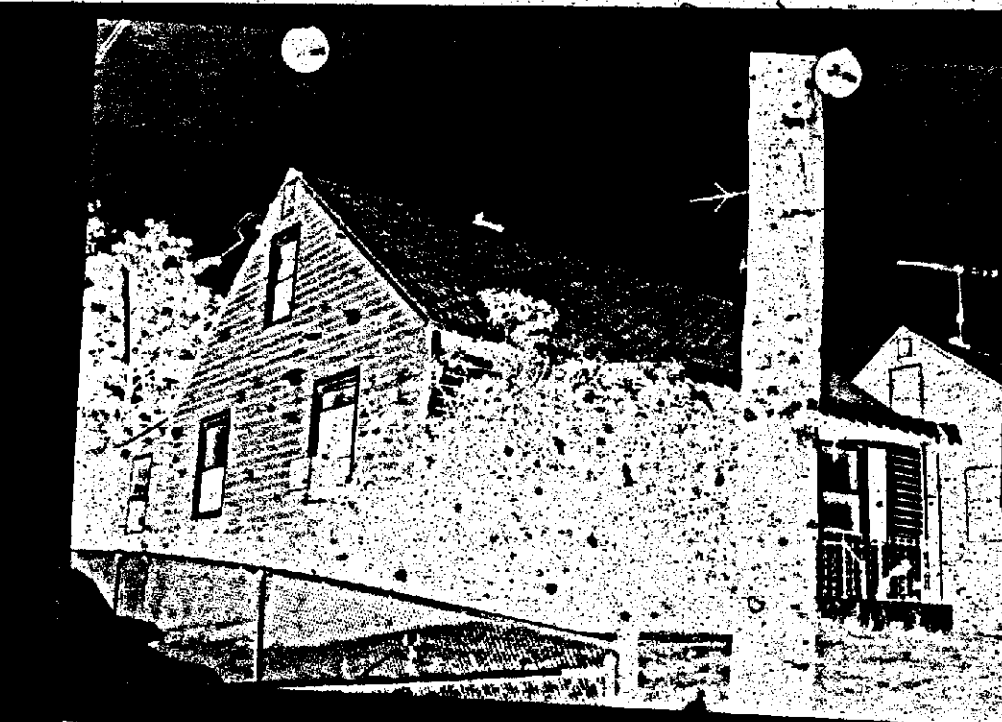
CHESAPEAKE BAY CRITICAL AREA: YES NO

PRIOR ZONING HEARINGS: NONE

PREPARED BY: STANLEY R. BARANOWSKI
 DATE: JUNE 6, 1994
 SCALE: 1" = 20'

ZONING OFFICE USE ONLY

REVIEWED BY: 84
 ITEM #: 501
 CASE #:



111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 501

Petitioner: GARY W. & BERNADETTE M. VICKERY

Location: 1906 TYLER ROAD, BALTO, MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GARY W. VICKERY

ADDRESS: 1906 TYLER ROAD

BALTO, MD 21222-3038

PHONE NUMBER: 410-284-1059

JJ:ggg

(Revised 04/09/93)

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

July 1, 1994

Mr. and Mrs. Gary Wayne Vickery
1906 Tyler Road
Baltimore, Maryland 21222

RE: Case No. 94-510-A, Item No. 501
Petition for Administrative Variance
Petitioner: Gary Wayne Vickery, et ux.

Dear Mr. and Mrs. Vickery:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 17, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-21-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 501 (JRF)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. KATZ, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 5, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 487, 492, 496, 497, 500, 501, 503, 507 and 509.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey N. Long*

Division Chief: *Carol Kerns*

PK/JL:lw

ZAC-497/PZONE/ZAC1

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: *Barry W. Schriener Sr.*

Name: *Barry W. Schriener Sr.*
(Print)

Address: *1911 Tyler Rd.*
(Print)

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: *Tracy L. Kates*

Name: *Tracy L. Kates*
(Print)

Address: *1915 Tyler Rd.*
(Print)

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: *Leslie Lee Lusby*

Name: *Leslie Lee Lusby*
(Print)

Address: *1910 Tyler Road*
(Print)

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: *Robert C. Himmelman*

Name: *Robert C. Himmelman*
(Print)

Address: *1908 Tyler Rd.*
(Print)

Baltimore County Government
Fire Department



709 East Joppa Road, Suite 901
Towson, MD 21206-5500

(410) 887-4500

DATE: 06/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Re: Item:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 493, 494, 495, 496, 497, 498, 499, 500 AND 501.

RECEIVED
JUN 23 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

CC: File

Printed on Recycled Paper

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: *Lonnie J. Nelson*

Name: *Lonnie J. Nelson*
(Print)

Address: *1909 Tyler Road*
(Print)

501

IN RE: PETITION FOR ADMIN. VARIANCE
NW/8 Tyler Road, 252' W of the
c/l of Sollers Point Road
(1906 Tyler Road)
12th Election District
7th Councilmanic District
Gary W. Vickery, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-510-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Gary W. and Bernadette M. Vickery. The Petitioners seek relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 22 feet in lieu of the minimum average 23.5 feet for a proposed second floor addition in accordance with the plan submitted and marked as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 303.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 1994 that the Petition for Administrative Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 22 feet in lieu of the minimum average 23.5 feet for a proposed second floor addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/13/94
By [Signature]
TMK:bjs

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

July 13, 1994

(410) 887-4386

Mr. & Mrs. Gary W. Vickery
1906 Tyler Road
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/8 Tyler Road, 252' W of the c/l of Sollers Point Road
(1906 Tyler Road)
12th Election District - 7th Councilmanic District
Gary W. Vickery, et ux - Petitioners
Case No. 94-510-A

Dear Mr. & Mrs. Vickery:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 687-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓ File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1906 TYLER ROAD
which is presently zoned DE 55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303.1 To permit a 22 ft front setback in lieu of the required 23.5 ft. front average.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

SEE ATTACHED SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease
Type of Petition:
Signature:
Address:
City:
State:
Zip:
Phone:
Name:
Address:
City:
State:
Zip:
Phone:
Name:
Address:
City:
State:
Zip:
Phone:

GARY WAYNE VICKERY
Bernadette M. Vickery
1906 TYLER ROAD
BALTIMORE MD 21222

ORDER RECEIVED FOR FILING
Date 7/13/94
By [Signature]

REVIEWED BY [Signature] DATE 6-17-94
ESTIMATED POSTING DATE 6-20-94

Printed with Soybean Ink
on Recycled Paper

ITEM # 501

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1906 TYLER ROAD
BALTIMORE MD 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty)

SEE ATTACHED SHEET

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

GARY WAYNE VICKERY
Bernadette M. Vickery
GARY WAYNE VICKERY
BERNADETTE M. VICKERY

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 31st day of May, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

GARY WAYNE VICKERY & Bernadette M. Vickery

the Affiant(s) herein, personally known to and satisfactorily identified to me as such Affiant(s), and each in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

ATTEST: My hand and Notary Seal

May 31, 1994

My Commission Expires 11/1/98

Page 2 of 2

94-510-A

BASIS FOR ADMINISTRATIVE VARIANCE

This variance is requested in order to maximize the space available at 1906 Tyler Road in connection with the construction of a second floor addition on the property. Under current zoning and building regulations, our addition would be positioned 42 feet from the centerline of Tyler Road.

We have two teenage sons. We need more storage space. At the present time, we only have two closets. The house is only 700 sq. feet. We do not have a basement or attic. The yard is not large enough to add to the lower level in back. It is impractical to move, because we are close to schools and work and it's a good neighborhood.

We are requesting the variance to construct the second floor addition with a three foot overhang towards our front property line. This will allow us to utilize our home to its fullest, adding more closet space which we desperately need.

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1906 Tyler Road (address)
Election District 12 Councilmanic District 7

Beginning at a point on the Northwest side of Tyler Road
(north, south, east or west)

Tyler Road which is 40
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 252' west of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Sollers Point Rd. centerline
(name of street)

which is 30' wide. *Being Lot # 9
(number of feet of right-of-way width)

Block 9, Section # in the subdivision of
Willow Spring Park as recorded in Baltimore County Plat

(name of subdivision)

Book # C.W.B. Jr. 12, Folio # 58, containing

4,767.20 .10
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber , Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 01" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

501



Baltimore County
Zoning Administration &
Development Management
11000 Chesapeake Avenue
Towson, Maryland 21204

Account: R0014150

Number 501

Date 6-17-94

Vickery - 1906 Tyler Rd.

010 - Variance - \$ 50.00
010 - Sign - \$ 35.24
\$ 85.00

receipt
94-510-A

Taken by: JEF

Please Make Checks Payable To: Baltimore County

Cashier Validation

IN RE: PETITION FOR VARIANCE
S/S Glenhurst Road, 363' E of
the c/l of Cove Road
(3925 Glenhurst Road)
15th Election District
7th Councilmanic District
Leo L. Smith, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-530-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3925 Glenhurst Road, located in the Dundalk area of southeastern Baltimore County. The Petition was filed by the owners of the property, Leo L. and Mary Lee Smith, and the Contract Purchaser, Bettie M. Collins. The Petitioners seek relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front street setback of 23 feet in lieu of the minimum required 28.15 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Barbara Knezevich with Homecroft Homes, Inc., builder. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.142 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Contract Purchaser is desirous of developing the property with a single family dwelling. Due to the small size of this lot and the location of wetlands to the rear of the property, the proposed dwelling must be located closer to the front property line than the average front setback on the street. There being no Protestants present at the hearing nor any adverse comments in the file from any Baltimore County reviewing

agency or neighboring property owner, it appears the relief requested should be granted.

It should also be noted that this property is located within the Chesapeake Bay Critical Areas near Back River and as such, is subject to compliance with Critical Areas legislation. As a condition of the granting of this variance, the Petitioner must comply with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated July 14, 1994, a copy of which is attached hereto.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures with-

in the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of August, 1994 that the Petition for

Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front street setback of 23 feet in lieu of the minimum required 28.15 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 14, 1994, attached hereto and made a part hereof.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/1/94
By [Signature]

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Date 8/1/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 4, 1994

Ms. Barbara Knezevich
Homecroft Homes, Inc.
6111 Davis Road
Woodbine, Maryland 21797

RE: PETITION FOR VARIANCE
S/S Glenhurst Road, 363' E of the c/l of Cove Road
(3925 Glenhurst Road)
15th Election District - 7th Councilmanic District
Leo L. Smith, et ux - Petitioners
Case No. 94-530-A

Dear Mr. & Mrs. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Leo Smith
3924 Glenhurst Road, Baltimore, Md. 21222

Ms. Bettie M. Collins
4211 Seidel Avenue, Baltimore, Md. 21206

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case file



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3925 Glenhurst Rd. 21222

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303.1 to permit a 23-foot street setback in lieu of 28.15'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
When the sewer line was installed in front of this property, the owners of adjoining lots filled in their lots with the excess dirt, making this lot lower. Because of this action, this lot now has wetlands to the rear and with the buffer zone the only way this property can be built on is by moving the house forward. If this is not buildable then this lot is of no value.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I (or we) agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser(s)

Bettie M. Collins

Bettie M. Collins

4211 Seidel Ave.

Balto., Md. 21206

Attorney for Petitioner

Type or Print Name

Signature

Address

City

State

Zipcode

Phone No.

Signature

Address

City

State

Zipcode

Phone No.

Signature

Address

City

State

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Phone No.

I (we) do solemnly declare and affirm, under the penalties of perjury, that I (we) are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Leo L. Smith

Leo L. Smith

Mary Lee Smith

Mary Lee Smith

3924 Glenhurst Rd.

Balto., Md. 21222

City

Name, Address and phone number of representative to be contacted

Homecroft Homes, Inc.

Barbara Knezevich

6111 Davis Rd. Woodbine, Md.

Address

City

State

Zipcode

Phone No.

Signature

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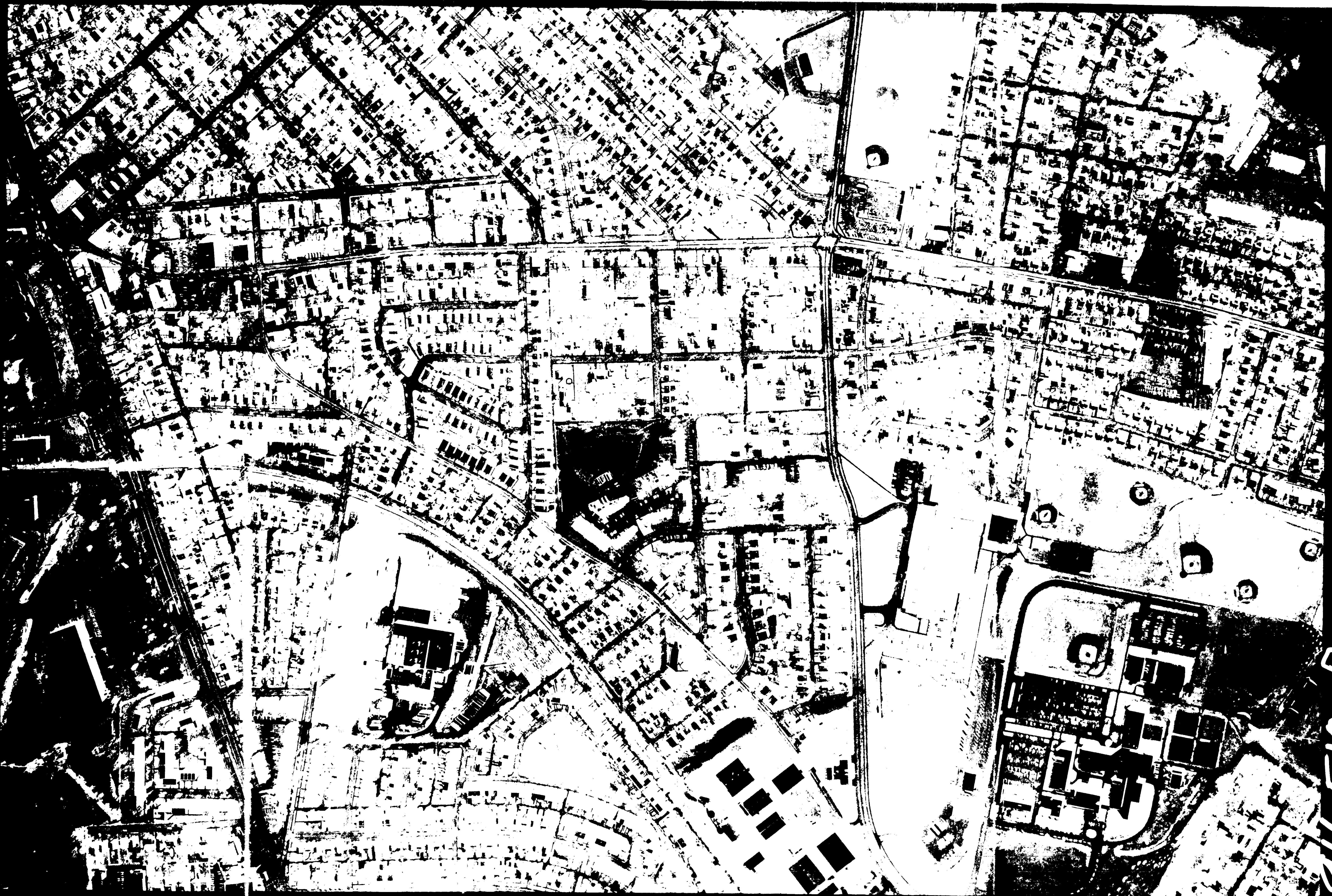
State

Zipcode

Phone No.

Signature

Address



94-510-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

501

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	DUNDALK	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986		3-E

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 501

Petitioner: GARY W. & BERNADETTE M. VICKERY

Location: 1906 TYLER ROAD, BALTO, MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GARY W. VICKERY

ADDRESS: 1906 TYLER ROAD

BALTO, MD 21222-3038

PHONE NUMBER: 410-284-1059

JJ:ggg

(Revised 04/09/93)

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

July 1, 1994

Mr. and Mrs. Gary Wayne Vickery
1906 Tyler Road
Baltimore, Maryland 21222

RE: Case No. 94-510-A, Item No. 501
Petition for Administrative Variance
Petitioner: Gary Wayne Vickery, et ux.

Dear Mr. and Mrs. Vickery:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 17, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-21-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 501 (JRF)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. KATZ, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 5, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 487, 492, 496, 497, 500, 501, 503, 507 and 509.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey N. Long

Division Chief: Carol L. Kerns

PK/JL:lw

ZAC-497/PZONE/ZAC1

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: Barry W. Schriener Sr.

Name: Barry W. Schriener Sr.
(Print)

Address: 1911 Tyler Rd.
(Print)

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: Tracy L. Kates

Name: Tracy L. Kates
(Print)

Address: 1915 Tyler Rd.
(Print)

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: Leslie Lee Lusby

Name: Leslie Lee Lusby
(Print)

Address: 1910 Tyler Road
(Print)

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: Robert C. Himmelstern

Name: Robert C. Himmelstern
(Print)

Address: 1908 Tyler Rd.
(Print)

Baltimore County Government
Fire Department



709 East Joppa Road, Suite 901
Towson, MD 21206-5500

(410) 887-4500

DATE: 06/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Re: Item:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 493, 494, 495, 496, 497, 498, 499, 500 AND 501.

RECEIVED
JUN 23 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

CC: File

Printed on Recycled Paper

June 6, 1994

To Whom It May Concern:

This letter is to verify that I have reviewed the proposed construction plans for the second floor addition to be constructed at 1906 Tyler Road belonging to Gary and Bernadette Vickery. I recognize that this requires a variance from Baltimore County due to the 25 foot setback limitations. I therefore, have no objection to Mr. and Mrs. Vickery's second floor addition with a three foot overhang in the front.

Signed: Lonnie J. Nelson

Name: Lonnie J. Nelson
(Print)

Address: 1909 Tyler Road
(Print)

501

IN RE: PETITION FOR ADMIN. VARIANCE
NW/8 Tyler Road, 252' W of the
c/l of Sollers Point Road
(1906 Tyler Road)
12th Election District
7th Councilmanic District
Gary W. Vickery, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-510-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Gary W. and Bernadette M. Vickery. The Petitioners seek relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 22 feet in lieu of the minimum average 23.5 feet for a proposed second floor addition in accordance with the plan submitted and marked as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 303.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 1994 that the Petition for Administrative Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 22 feet in lieu of the minimum average 23.5 feet for a proposed second floor addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/13/94
By [Signature]
TMK:bjs

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

July 13, 1994

(410) 887-4386

Mr. & Mrs. Gary W. Vickery
1906 Tyler Road
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/8 Tyler Road, 252' W of the c/l of Sollers Point Road
(1906 Tyler Road)
12th Election District - 7th Councilmanic District
Gary W. Vickery, et ux - Petitioners
Case No. 94-510-A

Dear Mr. & Mrs. Vickery:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 687-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel
✓ File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1906 TYLER ROAD
which is presently zoned DE 55

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)
303.1 To permit a 22 ft front setback in lieu of the required 23.5 ft. front average.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

SEE ATTACHED SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase or Lease
(Type or Print Name)
Signature
Address
City
State
Zip
Phone No.
Name
Address
City
State
Zip
Phone No.

GARY WAYNE VICKERY
Bernadette M. Vickery
1906 TYLER ROAD
BALTIMORE MD 21222

ORDER RECEIVED FOR FILING
Date 7/13/94
By [Signature]

REVIEWED BY [Signature] DATE 6-17-94
ESTIMATED POSTING DATE 6-26-94
Printed with Soybean Ink on Recycled Paper
ITEM # 501

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1906 TYLER ROAD
BALTIMORE MD 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty)

SEE ATTACHED SHEET

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

GARY WAYNE VICKERY
Bernadette M. Vickery
GARY WAYNE VICKERY
BERNADETTE M. VICKERY

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 31st day of May, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

GARY WAYNE VICKERY & Bernadette M. Vickery

the Affiant(s) herein, personally known to and satisfactorily identified to me as such Affiant(s), and each in due form of law that the matters and facts hereinafter set forth are true and correct to the best of his/her/their knowledge and belief.

ATTEST: my hand and Notary Seal

May 31, 1994

My Commission Expires 11/1/98

Page 2 of 2

94-510-A

BASIS FOR ADMINISTRATIVE VARIANCE

This variance is requested in order to maximize the space available at 1906 Tyler Road in connection with the construction of a second floor addition on the property. Under current zoning and building regulations, our addition would be positioned 42 feet from the centerline of Tyler Road.

We have two teenage sons. We need more storage space. At the present time, we only have two closets. The house is only 700 sq. feet. We do not have a basement or attic. The yard is not large enough to add to the lower level in back. It is impractical to move, because we are close to schools and work and it's a good neighborhood.

We are requesting the variance to construct the second floor addition with a three foot overhang towards our front property line. This will allow us to utilize our home to its fullest, adding more closet space which we desperately need.

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1906 Tyler Road (address)
Election District 12 Councilmanic District 7

Beginning at a point on the Northwest side of Tyler Road
(north, south, east or west)

Tyler Road which is 40
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 252' west of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Sollers Point Rd. centerline
(name of street)

which is 30' wide. *Being Lot # 9
(number of feet of right-of-way width)

Block 9, Section # in the subdivision of

Willow Spring Park as recorded in Baltimore County Plat
(name of subdivision)

Book # C.W.B. Jr. 12, Folio # 58, containing

4,767.20 .10
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber , Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 01" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

#501



Baltimore County
Zoning Administration &
Development Management
1100 North Chesapeake Avenue
Towson, Maryland 21204

Account: R0014150
Number 501

Date 6-17-94

Vickery - 1906 Tyler Rd.

010 - Variance - \$ 50.00
010 - Sign - \$ 35.24
\$ 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation